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In re application of
Suzuki et al.

Serial No. 10/009,738
Filed: December 17, 2001
For: Process For Polymerizing Olefins

**DECISION ON
PETITION**

This is a response to the PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT, filed October 18, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment of August 18, 2005 for failure to timely respond to the Notice Regarding Drawings mailed April 19, 2005, be withdrawn. The petitioner asserts that the Notice Regarding Drawings, mailed April 19, 2005 was not received by the applicants. The evidence provided includes a statement by the petitioner that the Notice Regarding Drawings was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Notice Regarding Drawings mailed April 19, 2005 was not received. Also provided is a copy of the automated docketing record and cover of the docket file, where the Notice Regarding Drawings would have been posted had it been timely received. The petitioner also asserts that review of the PAIR "Image File Wrapper" shows no evidence that a Notice Regarding Drawings was mailed on April 19, 2005.

DECISION

The instant request is accepted as a petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(I).

The evidence presented is sufficient to establish that the Notice Regarding Drawings was not received by the petitioner. The evidence provided includes a statement by the petitioner that the Notice Regarding Drawings was not received, a



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statement that a search of the file and docket records was made, and a statement that the search revealed the Notice Regarding Drawings mailed April 19, 2005 was not received. Also provided is a copy of the automated docketing record and cover of the docket file, where the Notice Regarding Drawings would have been posted had it been timely received. Furthermore, upon review of Office records, there is no evidence that a Notice Regarding Drawings was mailed on April 19, 2005.

Therefore, the Notice of Abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the Office of Patent Publications for prompt consideration of the corrected drawings submitted concurrently with the instant petition, on October 18, 2005.

The Petition is **GRANTED**.

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